

No Exposure Certification form (NOEC) Instructions

Who Must File a NOEC?

Federal law through the Clean Water Act and 40 CFR Part 122 prohibits point source discharges of stormwater associated with industrial activity to Waters of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. However, NPDES coverage is not required for "Storm Water Discharges Associated with Industrial Activity", defined in federal regulations 40 CFR 122.26(b)(14)(i)-(ix) & (xi), if the discharger can certify that a condition of "no exposure" exists at the industrial facility or site.

Please note that stormwater discharges from construction activities are not eligible for the no exposure exclusion, and are required to obtain coverage under a separate general NPDES permit which is specifically for construction activity.

If a facility is covered under this definition of stormwater discharge associated with industrial activity, the facility must either obtain coverage under the general NPDES permit to discharge stormwater, or must request a "no exposure" exclusion from the applicable requirements of the general NPDES permit.

The No Exposure Certification form (NOEC) is a request by a facility with stormwater runoff associated with industrial activity for exclusion from the applicable requirements of the Kansas Water Pollution Control general NPDES permit for Stormwater Runoff from Industrial Activity.

The NOEC form is used to certify that a condition of no exposure exists at the industrial facility or site described herein. This certification must be resubmitted at least once every five years.

Obtaining and Maintaining the NOEC

The industrial facility operator must maintain a condition of no exposure at its facility or site in order for the no exposure certification to remain applicable. If conditions change resulting in the exposure of materials and activities to stormwater, the facility operator must immediately submit either an NOI for coverage under the general NPDES permit, or a request for authorization for coverage under an individual Kansas Water Pollution Control permit.

The NOEC, the general NPDES permit, forms, and other reference material, is available from the [KDHE Stormwater Website: www.kdhe.state.ks.us/stormwater](http://www.kdhe.state.ks.us/stormwater)

A hard copy of the NOEC, the general NPDES permit, the general permit information packet, or other reference material may also be obtained by sending a written request to KDHE at:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612 - 1367

For additional information, contact KDHE at (785) 296-5545, or e-mail at: stormwater@kdhe.state.ks.us

Where To Send the NOEC

Send the NOEC to the address given above.

Persons requesting a no exposure certification exclusion are not authorized to discharge under the general NPDES permit for Stormwater Runoff from Industrial Activity. The facility is not excluded from requirements and conditions of the general permit until KDHE has authorized the NOEC. **The facility is excluded from coverage when the Kansas Department of Health and Environment (KDHE) authorizes the No Exposure Certification form (NOEC). When KDHE authorizes the NOEC, a signed and dated copy of the authorized NOEC will be sent to the facility.**

Fee: No fee is required for a no exposure certification exclusion.

Section I Facility Owner/Operator Information

Identify the party or parties that either individually or taken together have operational control over the facility; and which have the day-to-day operational control of those industrial activities at the facility necessary to ensure compliance. The responsible party is the legal entity that controls the site's operation. Enter the owner or operator's complete mailing address and phone number.

Give the legal name of the company, firm, public organization, or any other entity that owns the site described in the NOEC, or if the activity will be on a right of way, leased property, or easement, give the name of the responsible party.

Section II Facility/Site Information

A. Location

Enter the project's official or legal name and physical location including the complete street address, city, county, state, and ZIP code. Also include the legal address including the section, township, and range and the nearest quarter/quarter section center to the center of the site.

Enter the name and phone number of a person who can be contacted regarding this industrial facility. The owner or operator and contact person need not be the same.

B. Existing Conditions/Uses

Indicate whether the site is located on Indian lands. If the facility is located on Indian land, the owner or operator does not need to submit this form to KDHE. For information regarding discharging stormwater runoff on Indian lands contact:

Storm Water Coordinator
U.S. EPA, Region VII
901 North 5th Street
Kansas City, Kansas 66101

NOEC Instructions CONTINUED:

EPA is the permitting authority on Indian lands. To request a No Exposure Certification exclusion for discharging stormwater runoff from industrial activity conducted on Indian lands, the person seeking a “no exposure” exclusion must contact EPA.

If stormwater runoff from industrial activity flows into or through a municipal separate storm sewer system (MS4), enter the name of the MS4 operator (e.g., municipality name, county name, or the name of the responsible public body).

If stormwater runoff from industrial activity flows directly to a receiving water (e.g., a lake, river, or tributary, etc.), enter the name of the first receiving water. To identify a receiving water, refer to the Kansas Surface Water Register, a United States Geological Survey (U.S.G.S.) topographic map or KDOT general highway map for the county.

The Kansas Surface Water Register, can be downloaded from the [KDHE Stormwater website: www.kdhe.state.ks.us/stormwater](http://www.kdhe.state.ks.us/stormwater). A hard copy of the list of waters or the complete Surface Water Register may also be obtained by sending a written request to KDHE at the address above. Indicate whether the facility was previously covered under an NPDES stormwater permit. Enter the 4-digit SIC Code which identifies the facility’s primary activity, and additional secondary SIC Codes identifying the facility’s secondary activities, if applicable. SIC Codes can be obtained from the Standard Industrial Classification Manual, 1987.

Enter the total size of the site associated with industrial activity in acres.

Section III. EXPOSURE CHECKLIST

Check “Yes” or “No” as appropriate to describe the exposure conditions at the facility. If you answer “Yes” to **ANY** of the questions (1) through (11) in this section, a potential for exposure exists at your site and you cannot certify to a condition of no exposure. You must obtain (or already have) coverage under an NPDES stormwater permit. After obtaining permit coverage, you can install modifications to eliminate the potential for a discharge of stormwater exposed to industrial activity, and then certify to a condition of no exposure.

Section IV. NOEC CERTIFICATIONS

Persons seeking a “no exposure” exclusion must read and understand the statements in this section of the No Exposure Certification form before signing the NOEC form. Federal and State statutes provide for severe penalties for submitting false information.

The NOEC form must be signed by the facility owner/operator, or an authorized representative.

Materials and Activities Not Required to be Enclosed for this Exclusion

A storm resistant shelter is not required for the following industrial materials and activities:

- Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. “Sealed” means banded or otherwise secured and without operational taps or valves;
- Adequately maintained vehicles used in materials handling, and
- Final products, other than products that would be mobilized in stormwater discharges (e.g. rock salt).
- There are circumstances where permanent “no exposure” of industrial activities is not possible, and therefore, under such conditions, materials and activities can be sheltered with temporary covers (e.g. tarps) between periods of permanent enclosure. If unsure about a specific situation, contact KDHE for a determination.

RIVER BASIN MAP

